



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/276,207	03/25/99	CARROLL BULLARD	W 10360/009001

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TM02/0206

EXAMINER

AKERS, G

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

02/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
09/276,207

Applicant(s)  
Bullard et al

Examiner  
Geoffr y Akers

Group Art Unit  
2164



☒ Responsive to communication(s) filed on Mar 25, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 25, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. Claims 1-10 have been examined.

#### ***Drawings***

2. The drawings are objected to because the margins are not acceptable in Figures 1-5,15,16,18-21,24,26-28,29B,30,32 on the top,left,right and bottom. Additionally the character of the lines is such that they are not uniformly thick and crisp in Figures 14-22,24-28,29B. Solid black shading is not permitted on Figures 1,3,4 and 7. Also, numbers and characters are not legible in Figs 1,3, 14-22,24-28,29B. The numbers and characters are not uniformly high in Figures 1,6,15,17,29B. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221). in view of Melen(US Pat. No: 5,956,391) and further in view of Hilt(US Pat. No: 5,465,206).
5. As per claim 1 Egendorf teaches a computer implemented method(col 4 lines 40-56) comprising providing a subscriber with a service having a first characteristic,observing at the network(col 1 lines 4-6)(col 1 line 54-col 2 line 8), that the provided service to the subscriber has

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a second characteristic and billing the subscriber for the service having the second characteristic rather than for the service having the first characteristic(col 2 line 11-19)(col 2 lines 28-36)(col 4 line 56-col 5 line 10)(col 6 lines 36-46).

6. As per claim 2, Egendorf teaches the method of claim 1 wherein observing further comprises determining at the network that resources are not available for providing the first level of service and, in response to said determination, providing a second level service(col 5 lines 43-60).

7. As per claim 3, Egendorf teaches the method of claim 2 wherein providing the second level of service further comprises reassessing and redefining the deployed service(Fig 1)(Fig 3)(col 5 lines 50-55)(col 7 lines 1-10).

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8. Claims 4-5 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221) and further in view of Hilt(US Pat. No: 5,465,206).

9. As per claim 4, Hilt teaches the method of claim 3 wherein the process observes whether reassessment and redefining of the deployed policy was successful(col 13 line 67-col 14 line 31)(col 15 lines 2-55)(col 22 lines 2-17)(Fig 12/158/124). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Hilt to teach the above. The motivation is to teach a network for aggregating data for subsequent use.

10. As per claim 5, Hilt teaches the method of claim 1 further comprising determining whether there has been packet loss(col 16 line 57-col 17 line 13) and wherein determining packet loss includes deploying a packet detector monitor in the network to generate network accounting

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records that can be used to determine packet loss(Fig 6/160). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Hilt to teach the above. The motivation is to teach a network for aggregating data for subsequent use.

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11. Claims 6-10 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221) and further in view of Melen(US Pat. No: 5,956,391).

12. As per claim 6, Melen teaches the method of claim 1 wherein the providing further comprises establishing a differentiate services policy that is decomposed into a collection of configurations and deployed in a network(col 6 line 26-col 7 line 8).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation is to teach a network for aggregating data for subsequent use.

13. As per claim 7, Melen teaches the method of claim 1 wherein the providing further comprises deploying the configurations to a collection of routers(Fig 1/6/10) or switches(Fig 1/4) that the customer would have access to in the network(Fig 1/1/2). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation is to teach a network for aggregating quality data for subsequent use.

14. As per claim 8, Melen teaches the method of claim 1 wherein observing observes a large number of network flows(Fig 2)(Fig 3).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation is to teach a network for aggregating quality data for subsequent use.

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15. As per claim 9, Melen teaches the method of claim 8 wherein observing further comprises using an accounting process that produces information at a granularity level at which the policies are actually deployed(Fig 3)(col 9 lines 33-49). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation is to teach a network for aggregating data for subsequent use.

16. As per claim 10, Melen teaches the method of claim 9 wherein the policies are deployed at source and destination IP address, protocol and/or destination port level(col 4 line 53-col 5 line 35).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation is to teach a network for aggregating quality data for subsequent use.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

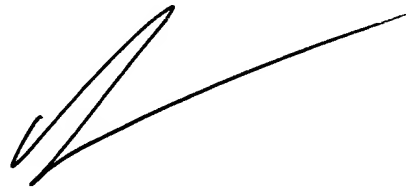
- Chang teaches a method for electronic bill payment
- Kolling teaches an electronic bill pay system
- Wang teaches a billing system for utilizing a modified file transfer protocol
- Anderson teaches a system for electronically processing invoice information
- Lamm teaches a system for electronically processing and paying bills
- Watson teaches an integrated bill consolidation and aggregation system

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Any questions regarding this communication may be directed to the examiner, Dr. Geoffrey Akers, P.E. who can be telephoned at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be contacted at (703)-308-1065.

GRA

February 1, 2001

A handwritten signature in black ink, consisting of a stylized 'V' followed by a long horizontal stroke that curves slightly upwards at the end.

**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**